

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**SCOTT HINTZ and  
JS OF GEORGIA, INC., a Delaware  
Corporation and its successors and assigns,  
PT HOLDINGS, GROUP I, INC., a Delaware  
corporation and its successors and assigns,**

**Plaintiffs,**

**v.**

**GEROVA FINANCIAL GROUP, LTD.;  
JOSEPH BIANCO; GARY HIRST; JASON  
GALANIS; ROBERT WILLISON; GEROVA  
HOLDINGS, LTD.; NET FIVE HOLDINGS,  
LLC; NET FIVE GROUP, LLC;  
FUND.COM, INC; EQUITIES MEDIA  
ACQUISITION CORP. INC.; PLANET FIVE  
DEVELOPMENT GROUP, LLC; PLANET  
FIVE AT GEROVA, LLC; PAUL ROHAN;  
NOBLE INVESTMENT FUND, LTD.;  
GREGORY LAUBACH; GEROVA REAL  
ESTATE GROUP, LLC; ERIC HALTER;  
DAVID ZORN; JOHN DOE; AND JOHN  
DOE COMPANY,**

**Defendants.**

**CIVIL ACTION  
FILE NO.  
1:11-cv-00265-JOF**

**VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

COMES NOW, Plaintiffs, named above, by and through the undersigned attorney, and, as of right, pursuant to Local Rule 41.1, hereby dismisses this action

WITHOUT prejudice. Plaintiffs assert claims are valid and have exerted their rights to voluntarily dismiss this action without prejudice due to the very recent activity of one or more Defendants. Plaintiffs will examine the new evidence and new claims in consideration of future actions. Petitioners have decided this strategic decision to dismiss this action, without prejudice, is necessary to consider the new evidence and each option now available to the Petitioners. The Clerk of Court is hereby requested and authorized to mark this action as DISMISSED WITHOUT PREJUDICE.

Respectfully submitted, this 11th day of May, 2011.

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s/Bryan J. Rush  
Bryan J. Rush  
Georgia State Bar No.: 201097  
Douglas J. Davis  
Georgia State Bar No.: 207950  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served the foregoing *VOLUNTARY DISMISSAL WITHOUT PREJUDICE* upon all other parties in this action through the District Court's electronic case filing system and by U.S. mail as follows:

Steven J. Estep, Esq.  
COHEN, COOPER, ESTEP & ALLEN  
3330 Cumberland Boulevard, Suite 600  
Atlanta, GA 30339

Submitted this 11th day of May, 2011.

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